

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the present amendments and the following remarks. By this amendment, claims 1, 9, 17, 25, 33, 41, and 50 are amended. Upon entry of this amendment, claims 1-54 remain pending and at issue, with claims 1, 9, 17, 25, 33, 41 and 50 being independent. It is believed that no additional fees are due for entry of this amendment. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855. A copy of this paper is enclosed.

#### **Amendments to the Claims**

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on January 16, 2001. Independent claims 1, 9, 17, 25, 33, and 41 are amended hereby to more clearly recite that the bonus payout is dispensed in response to detecting a bonus payout dispensing selection by the user at the electronic gambling unit, and to add the bonus payout to the available credits for the player at the gambling unit in response to not detecting the bonus payout dispensing selection. Revisions to claims 1, 9, 17, 25, 33 and 41 are supported in the specification as originally filed at least in Fig. 11 at block 364, 366, 368, and the block reciting "return to main game" and in the accompanying text at page 17, line 17 through page 18, line 13. The specification discloses, *inter alia*, that bonus game credits may be dispensed independently from other credits based on user preference information input, for example, at an input device or via a player tracking system. The processor 70 may evaluate player profile information from the user's smart card or user profile on the player tracking system to determine whether the user has indicated preference for receiving a payout of bonus credits, continue playing the bonus game, or to apply the bonus round credits to the normal game play credits. Therefore, Applicant respectfully submits that the amendments to claims 1, 9, 17, 25, 33, and 41 do not present new matter or raise new issues.

Independent claim 50 has been amended to include that the bonus round game is executed after detecting a triggering event, wherein entering into the bonus round game is independent of the amount wagered. Revisions to claim 50 are supported in the specification as originally filed at least in Fig. 5 and on page 14, beginning on line 8, which discloses a

block 350 queries whether a triggering event has occurred that entitles the user to enter bonus play. If the triggering event occurs such as the appearance of a particular combination of symbols on the slot machine wheels, control passes to block 352 for execution of bonus play. The bonus play occurs independent of the amount wagered and, therefore, claim 50 as amended does not present new matter or raise new issues.

### **Response to Claim Rejections**

In the Final Office Action dated July 14, 2004, claims 51-54 stand rejected under 35 U.S.C. § 112 as being indefinite. Claims 1, 2, 7, 9, 10, 15, 17, 18, 23, 25, 26, 31, 33, 34, and 39 stand rejected under 35 U.S.C. § 102(a) as being unpatentable over Schneider *et al.* (U.S. Patent No. 6,089,976). Claims 41 and 46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Schneider *et al.* Claims 48 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* Claims 3-5, 11-13, 19-21, 27-29, 35-37, 42-44, 51, 52, and 53 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* in view of Walker *et al.* (U.S. Patent No. 6,110,041). Claims 6, 14, 22, 30, 38, 45, and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* in view of Burns *et al.* (U.S. Patent No. 6,048,269) and Saunders *et al.* (U.S. Patent No. 6,340,331 B1). Claims 8, 16, 24, 32, 40 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* in view of Adams (U.S. Patent No. 6,113,098). Applicant respectfully traverses the rejection of claims 1-49 and respectfully submits that claims 1-58 as amended herein would not be properly rejectable over the applied references for the following reasons.

Regarding the rejections of claims 1-49 in view of Schneider *et al.* either alone or in combination with the other applied references, Applicant respectfully submits that the Schneider *et al.* reference does not disclose or suggest that the bonus game payout occurs in response to detecting a bonus payout dispensing selection by the user at the electronic gambling unit, and to add the bonus payout to the available credits for the player at the gambling unit in response to not detecting the bonus payout dispensing selection. The Schneider *et al.* reference specifically teaches that the game automatically pays a player or increments a credit meter. At column 2, line 42, Schneider *et al.* teaches that a player continues to select images until two matching bonus amounts are revealed, and that the

corresponding bonus amount is then paid to the player or incremented on a credit meter. Schneider *et al.* does not disclose or suggest that the bonus amount may be paid to the player based on user input electing to have the bonus payout dispensed as recited in claims 1, 9, 17, 25, 33, and 41 as amended. Because Schneider *et al.* neither discloses nor suggests a bonus payout being dispensed based on user input as recited in claims 1-49, it follows that the claims are neither anticipated nor rendered obvious by Schneider *et al.* Moreover, the other applied references also fail to provide the necessary teaching or suggestion of the necessary user selection and, consequently, are not properly combined with Schneider *et al.* to render claims 1-49 invalid.

Regarding claims 50-54, in view of Schneider *et al.*, either alone or in combination with the other applied references, Applicant respectfully submits that the Schneider *et al.* reference does not disclose or suggest that the entry into a bonus game is independent of the amount wagered on the main game as recited in claim 50, which is acknowledged by the Examiner at the top of page 5 of the present Office Action. In column 3, line 22, Schneider *et al.* states that if a winning outcome is obtained on the primary game, a credit meter is incremented and the game determines whether the player has placed a maximum bet and whether the outcome of the primary game is a qualifying one. Continuing in line 27, if the outcome is a qualifying one **and a maximum bet has been placed**, a secondary bonus game replaces the primary game display and allows the player to interact with the game machine by touching images on the screen to reveal bonus amounts associated therewith. Schneider *et al.* reiterates this disclosure in column 5, line 45, stating, "if the outcome is a qualifying one and a max bet has been placed, the primary game display 40 shown in Fig. 1 transforms into the bonus award display 50 shown in Fig. 2." Therefore, Schneider *et al.* fails to disclose or suggest entry into a bonus game independently of the amount wagered by a player on the main game as recited in claims 50-54. Moreover, the other applied references also fail to provide the necessary teaching or suggestion of entering into a bonus game independently of the amount wagered on the main game and, therefore, are not properly combined with Schneider *et al.* to render claims 50 - 54 invalid.

Entry and consideration of the foregoing amendments as improving the form of the application are solicited. The amendments have the effect of narrowing the issues for consideration by Examiner Ashburn, or on appeal, and were not earlier presented because, prior to the Final Office Action and Examiner Ashburn's comments therewith, these amendments were not felt necessary to obtain allowance.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance thereof are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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